American Chemistry Council℠

STATEMENT OF THE AMERICAN CHEMISTRY COUNCIL
BEFORE THE ENVIRONMENT COMMITTEE
REGARDING SB 791 & HB 6572

HARTFORD, CT

MARCH 2, 2009

To: Senator Meyer, Rep. Roy, and Members of the Committee

My name is Bonny Betancourt and I am here on behalf of the American Chemistry Council (ACC). We are here to express our opposition to SB 791 & HB 6572, legislation that would prohibit the use of bisphenol-A (BPA) in children's ..... BPA is used to make polycarbonate plastic and epoxy resins and can be found in such products as reusable sports bottles, food and drink containers, baby bottles, and sippy cups which are strong, shatter-resistant and approved by the FDA as safe for food contact applications.

Why Bisphenol-A Is Safe for Use

The scientific evidence supporting the safety of bisphenol-A has been comprehensively examined by many government and scientific bodies worldwide in recent years. These assessments support the conclusion that **bisphenol-A is not a risk to human health** at the extremely low levels to which people might be exposed from use of products made from polycarbonate plastic or epoxy resins. Based on these scientific evaluations, **bisphenol-A has not been banned or restricted anywhere in the world.**

Key examples of the most recent assessments include:

- **U.S. Food and Drug Administration (FDA)** – In August 2008, FDA released a draft safety assessment of bisphenol-A in food-contact products (e.g., baby bottles, water bottles, food containers). The assessment was conducted by a cross-agency task force of FDA scientists and comprehensively included data and information from recent government reviews of bisphenol-A (see below), as well as from non-governmental sources and the scientific literature. Overall, FDA concluded: "***an adequate margin of safety exists for BPA at current levels of exposure from food contact uses, for infants and adults.***"

  In late October, FDA's board of scientific advisors provided their recommendations to FDA from a scientific peer-review of the draft assessment. In response, FDA has outlined additional research and data gathering they will undertake to address the recommendations and has also stated: "***[c]onsumers should know that, based on all available evidence, the present consensus among regulatory agencies in the United States, Canada, Europe, and Japan is that current levels of exposure to BPA through food packaging do not pose an immediate health risk to the general population, including infants and babies.***"

- **U.S. National Toxicology Program (NTP)** – A final report from NTP on the potential for bisphenol-A to affect human reproduction or development, released in September 2008 found no direct evidence for health effects in people and confirmed that human exposure to bisphenol-A is very low. On a standard five-level scale ranging from 'serious concern' to 'negligible concern,' NTP reported no concerns for any age group at the top two levels and only negligible concern for adults. Based on what NTP characterized as limited and inconclusive evidence from laboratory animal studies, NTP

expressed 'some concern' regarding effects on the brain, behavior, and the prostate gland but noted that additional research is needed to better understand whether these findings are of any human health significance. The NTP report, while not a safety assessment, was designed to serve as a resource to regulatory agencies such as FDA and was specifically considered in FDA's safety assessment.

- **European Food Safety Authority (EFSA)** - In January 2007, the EFSA released a comprehensive scientific assessment of BPA that was conducted by a panel of independent scientific experts from throughout the European Union. Based on its review of the most recent scientific information, the panel increased by a factor of five the safe intake level for BPA that was established in 2002. The increase in the Tolerable Daily Intake level (TDI) was based on the panel's view that there is now more certainty about the safety of BPA.

  Two updates were released by EFSA in July and October 2008 to further address recent scientific questions. Both updates reaffirm the safety of common consumer products such as baby bottles, water bottles and food containers. Overall, EFSA stated that the previously established safe intake level "***provides a sufficient margin of safety for the protection of the consumer, including foetuses and newborns.***"

  In addition, the **French Food Safety Authority** (AFSSA, Nov. 13), the **Danish Environmental Protection Agency** (Oct. 30), and the **German Federal Institute for Risk Assessment** (BfR, Sept. 19) have all re-evaluated bisphenol-A in light of recent studies and government decisions; **all have concluded that bisphenol-A in food contact applications does not create a risk to human health.**

- **European Union (EU)** – In June 2008, the European Commission published a comprehensive update of its risk assessment on bisphenol-A. The update confirmed that products made from polycarbonate plastic and epoxy resins are safe for consumers and the environment in current applications. The 2008 update takes into account the latest scientific studies available (through 2007) and completes a comprehensive assessment process undertaken on BPA over 10 years. Based on this report, no bans or restrictions have been proposed.

- **Health Canada** – In October 2008, the Canadian government announced the conclusion of its screening risk assessment stating: "***The current research tells us the general public need not be concerned. In general, most Canadians are exposed to very low levels of bisphenol-A, therefore, it does not pose a health risk.***"

  With respect to infants under 18 months, it said "***Science tells us that exposure levels are below those that could cause health effects; however, due to the uncertainty raised in some studies relating to the potential effects of low levels of bisphenol-A, the Government of Canada is taking action to enhance the protection of infants and young children.***" Health Canada announced a voluntary action to achieve the lowest possible levels of bisphenol-A in infant formula. Under consideration is a ban of polycarbonate baby bottles, but no action has yet been taken. The proposed ban is limited to baby bottles and, in regard to polycarbonate bottles, tableware and food containers, Health Canada has stated: "***you should not be concerned about using these products.***"

- **Japanese National Institute of Advanced Industrial Science and Technology (NIAIST)** – A comprehensive report published in November 2005 by NIAIST (affiliated with the Japanese Ministry of Economy, Trade and Industry) confirmed no risk of bisphenol-A to human health, including infants and children, and noted that no bans or restrictions are needed.

Also in 2005, the **Japanese Ministry of Environment** concluded, based on their own comprehensive testing, that there were no clear endocrine disrupting effects found at low doses and that no regulatory action is required to manage risks.

- In October 2008, an **expert scientific panel** published the results of their weight-of-the-evidence evaluation of low-dose reproductive and developmental effects of bisphenol-A. This evaluation is the third in a series that began with an evaluation, published in 2004, by an independent panel of scientific experts organized by the Harvard Center for Risk Analysis. Based on their review of scientific literature available through July 2008, the panel concluded: "***The weight of evidence does not support the hypothesis that low oral doses of BPA adversely affect human reproductive and developmental health.***"

- In February 2008, **NSF International** (a not-for-profit public health and safety organization) published their comprehensive safety assessment of bisphenol-A and established a safe intake level for bisphenol-A in drinking water. The level for drinking water is comparable to the level established by the European Food Safety Authority for bisphenol-A in food. The assessment was led by Dr. Calvin Willhite, a respected scientist with the California Department of Toxic Substances Control.

Shouldn't Connecticut Take A Precautionary Approach to Protecting Kids?

The Legislature needs to consider that an abundance of precaution is *already* factored into the existing federal and international regulatory programs governing food safety. Consider that most studies consistently show that the potential migration of BPA into food is extremely low, generally less than 5 parts per billion under conditions typical for uses of polycarbonate products. At this level, a consumer would have to ingest more than 1,300 pounds of food and beverages in contact with polycarbonate every day for an entire lifetime to exceed the safe intake level of BPA recently set by the European Food Safety Authority.

According to data from Health Canada, **a 22 lb. infant would have to drink 423 4 oz. bottles per day to reach the European Food Safety Authority's recently set safe intake level of BPA.** That intake level already includes a 100-fold safety factor beyond the no-effect level determined in studies on laboratory animals. These large safety factors are a clear indication that "precautionary measures" that are already a key element of the existing safety assessment process.

In light of the frequency, consistency, and timeliness of multiple government assessments of bisphenol-A, there is no need for additional legislation or regulation for bisphenol-A. **Existing regulations already protect human health**, including children's health, and have proven to be effective.

Accordingly, we ask the Committee to vote **No** on the legislation under consideration.

If you have any questions, ACC's expert on bisphenol-a, Dr. Steven Hentges, Ph.D., can be reached at 703-741-5588 or via e-mail at steve_hentges@americanchemistry.com.

Thank you for your time and consideration of our views on this matter.

Sincerely,

Bonny Betancourt
Manger, Northeast Region